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ABSTRACT

Assembly Bill (AB) 1725 addresses the mission, functions, governance, finance, staffing, programs, services, and accountability of the California Community Colleges (CCC). Many of the bill's recommendations place emphasis on the 107 community colleges, the CCC Chancellor's Office, and the Board of Governors (BOG) becoming a single system of postsecondary education, with shared governance as the cornerstone of the system. The shared governance provisions of AB 1725 encompass two levels: statewide shared governance between the BOG and the local district boards; and local governance between the local board and the academic senate. Perhaps the most important aspect of the bill's provisions is that the BOG and the local boards still have the primary responsibility and authority for the statewide system and the local colleges, respectively. One of the main goals of AB 1725 is increased involvement of the academic senates, particularly in the areas of hiring and evaluation. The CCC Chancellor's Office has developed a number of analytical documents to assist local districts in implementing the many different responsibilities of AB 1725. Yosemite Community College District (YCCD) has begun to address AB 1725 provisions through an agreement between the Yosemite Faculty Association and the YCCD to establish a District Council. A statement of principles and member position descriptions for the District Council have been developed. Appendixes provide state policies and regulations on shared governance, including revisions to existing Title 5 regulations on Academic Senates, and on the participation of staff and students in governance. (JMC)

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# COLLABORATIVE GOVERNANCE: STRUCTURES FOR SUCCESS

## The California and Yosemite Community College District Experience

Presentation By

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ACCT 21st Annual Convention
Baltimore, Maryland

October 12, 1990

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## PREFACE

This packet of information has been assembled in preparation for a presentation to community college trustees and administrators during the ACCT 21st Annual Convention in Baltimore, Maryland on October 12, 1990.

The enclosed information describes the implementation of shared governance in California's community colleges, generally, and the Yosemite Community College District, specifically.

In 1988 California enacted AB 1725, known as the California Community Colleges "Reform Bill." This culminated a four-year study which had previously produced a revised Master Plan for Higher Education as well as a report by the Joint Legislative Committee for Review of the Master Plan for Higher Education.

Although the landmark reform statute addresses the mission, function, governance, finance, staffing, programs, services and accountability of California community colleges, this presentation focuses specifically on the shared governance aspect of that legislation.

This document is the work product of a joint CEO/Trustee Committee.

# Implementing the Shared Governance Provisions of AB 1725

## Trustee and CEO Responsibilities

## I

## INTRODUCTION

### *A Brief History of AB 1725*

From the late seventies to the early 1980s, the California Community Colleges found themselves the focus of intense public and legislative scrutiny. With the passage of Proposition 13 in 1978, the community colleges went from being predominantly locally-funded institutions meeting local community needs, to being the largest state-funded system of postsecondary education in the nation. With the shift from local to state funding came state-level suspicions about whether community colleges were operating beyond their mission, as well as questions about what that mission really was.

Alarmed at the rate of growth and the increasing costs associated with state funding for the community colleges, the state Legislature restricted funding for certain types of avocational courses and activities, put a cap on enrollment growth, and imposed tuition for the first time on California's community college students. Against this backdrop, a group of superintendents and presidents, supported by the Board of Governors, decided to take the initiative and request a formal legislative review of California's Master Plan for Higher Education to determine what it was that the public and the Legislature wanted the community colleges to be and do. As a result of these discussions, a bill calling for such a review was passed and signed into law.

The California Community Colleges have now completed a five-year period of intensive scrutiny and evaluation, first by the Commission for the Review of the Master Plan for Higher Education and then by the Joint Legislative Committee for Review of the Master Plan. The culmination of the evaluation is Assembly Bill 1725 (Chapter 973, Statutes of 1988), known as the community college "reform bill."

AB 1725 embodies the recommendations of the Master Plan Commission and the Joint Legislative Committee and addresses the mission, functions, governance, finance, staffing, programs, services, and accountability of the California Community Colleges. Inherent in many of the recommendations is an emphasis on the 107 community colleges, the State Chancellor's Office and the statewide Board of Governors (BOG) becoming a single system of postsecondary education, with shared governance--between the Board of Governors and local district boards, and between administration, faculty, and staff at both state and local levels--as the cornerstone of the system.

*A New Partnership in Governance*

In October, 1986, during the process of deliberation about the reforms needed and the appropriate type of governance system to be designed, a joint task force of members of the California Community College Trustees and the Chief Executive Officers of the California Community Colleges published a paper titled, "A New Partnership in Governance." Intended as a conceptual framework within which the various governance models then under discussion would be analyzed, the "New Partnership" paper was endorsed by all districts and provided the basis for many of the shared governance recommendations that would finally surface in the language of AB 1725. That paper provides a crucial background for this analysis.

The authors of "A New Partnership" were convinced that the issue facing the community colleges was much more one of the accountability of the system at both the state and local levels than of mere changes in the formal governance structure, and AB 1725 reflects that focus in its demand for both educational and fiscal accountability. Two key principles were cited as central to the paper's recommended accountability model: (1) **build on the strengths** of the community colleges--open access, low cost, quality programs, and diversity in meeting local and statewide needs; and (2) **emphasize accountability for results**, rather than mandatory, prescribed procedures. While the colleges and districts may be seen as a single system, the paper's authors stressed that unity as a system did not mean conformity in approach:

> *"Given the diversity of the colleges and their communities--indeed, the diversity of the communities even within a single college's service area--the best means for achieving the specific results desired may differ from college to college."*[1]

*Diversity in Approaches to Shared Governance*

The local diversity in meeting the goals of increased accountability and shared governance discussed in the "New Partnership" document is a central theme to bear in mind as the system moves into implementation of the provisions of AB 1725. Indeed, the concept of shared governance can be envisioned as a continuum, including a range of approaches--from consultation to delegation--that may be appropriate depending on the issue and the local district's history.

Beyond stating that processes are to be "developed and agreed upon jointly by representatives of the governing board and the academic senate, and approved by the governing board", AB 1725 is silent on the specific procedures to be used. That is precisely what the districts had requested in deliberations over bill language: general guidelines from the state level as to what the results should be, with few specifics as to the procedures to be used at the local level. The Legislature essentially delegated much of its authority to the Board of Governors and local district boards so that the system could fashion its own shared governance structures. The responsibility which accompanies the delegation, and the variety of approaches that may be used in implementing the shared governance provisions of AB 1725, are the subjects of this paper. This is the time for each local board to shape its own shared governance model.

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[1]"A New Partnership in Governance," a joint publication of CCCT and CEOCCC, 1986, p. 4.

*The Pros and Cons of Shared Governance*

Those campuses which already have a significant level of shared governance and employee participation in decision-making cite a number of benefits which are substantiated by the literature.[2] Those most frequently mentioned are:

- Greater understanding and acceptance of decisions.
- Greater identification with decisions and more intense commitment to their implementation.
- Greater understanding of objectives and commitment to achieving them.
- Increased meeting of employee needs for self-identity, autonomy, achievement, and psychological growth.
- Group application of pressure on dissenters to accept, or at least outwardly comply with, decisions when the decision arises from a participatory process.
- Promotion of cooperation, mutual understanding, team identity, and coordination.
- Opportunities for conflict resolution even in cases of divergent objectives, through consultation and joint decision-making.
- Benefits from use of the expertise and analytical skills of individuals throughout the organization.
- Leadership training for faculty.

There are, however, disadvantages to shared governance which must be addressed. Certainly, procedures followed to implement shared governance should be designed to avoid--or at least minimize--these potential problems:

- The time-consuming nature of participation, for the decision-making itself as well as for the various groups involved (including administrators).
- The potential exclusion of middle managers from decisions made through shared governance committees, resulting in managers that are uninformed about matters they will be called upon to implement.
- The making of decisions by individuals with limited expertise.

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[2] Carol E. Floyd, *Faculty Participation in Decision Making: Necessity or Luxury?* ASHE-ERIC Higher Education Report No. 8, Washington, D.C.: Association for the Study of Higher Education, 1985.

- The removal of faculty from teaching and classified staff from their duties, if substantial release time is required.

- The financial and educational costs of shared governance.

- Destruction of accountability due to diffused responsibility (a potential result of group decision-making).

- Limitations on leadership opportunity among administrators who have been hired to lead.

- Unrealistic and unmet expectations among participants if the board or CEO finds it necessary to reach a decision contrary to that arrived at through the group process.

Clearly, shared governance will not be a simple process to implement, nor will one district's successful model necessarily be transportable to another without substantial changes to meet new situations. Goodwill, thoughtful people, a willingness to risk new approaches, and the ability to admit problems exist can go far toward establishing a positive shared governance environment for board members, managers, faculty and staff. The central objective should be the creation of a climate where energy is devoted to solving crucial educational tasks and not to turf battles over governance.

## II

## AN OVERVIEW OF AB 1725

### *The Eight General Areas*

The state Chancellor's office has outlined AB 1725 in eight general subject areas: (1) mission; (2) governance; (3) finance; (4) new programs and services; (5) affirmative action; (6) employment policies; (7) accountability; and (8) conditions and appropriations. The bill itself is ordered differently because it addresses changes in the *Education Code* in numerical rather than rational order. Nevertheless, most analyses of the bill--including the state Chancellor's Office updates--have used the eight general subject areas as an outline to order the subject matter. This is an important distinction to bear in mind when searching for particular language or sections in the bill itself.

### *Phasing of the Reforms*

Since a number of the reforms contained in AB 1725 require substantial resources to implement, the framers of the bill tied implementation to funding. As indicated by the state Chancellor's Office,[3] the funding is to come in two phases of $70 million each, and the reforms tied to each phase are listed below:

> Phase I (Sec. 70(d), AB 1725):
> The following reforms will become fully operative as of June 30, 1990 (the Board of Governors having certified that adequate funding has been provided-$70 million for program improvement):
>
> - Repeal of credentials (July 1, 1990);
> - Establishment of minimum qualifications for faculty and administrators, to be operative after July 1, 1990 (EC 87356);
> - Establishment by the Board of Governors of a process for reviewing minimum qualifications and development of lists of disciplines (EC 87357);
> - Establishment by the Board of Governors of review teams for minimum qualifications (EC 87358);
> - Establishment of procedures for determining equivalencies for minimum qualifications (EC 87359);
> - Establishment of hiring criteria by districts, no later than July 1, 1990 (EC 87360);

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[3] *AB1725: A Comprehensive Analysis*, Chancellor's Office, January 1989, p.30.

- Implementation of provisions for movement between faculty and administrative positions (EC 87454-87458);

- Implementation of new requirements regarding evaluation of employees (EC 87663);

- Implementation of new layoff provisions (EC 87743); and

- Implementation of provisions for faculty service areas, no later than July 1, 1990 (EC 87743.1-87743.5).

**Phase II** (Sec. 70(e), AB 1725):
The following reforms do not become operative until the Board of Governors certifies that adequate funding ($140 million in program improvement funds) has been provided for Phase II, or until the operative date for the specific reform, *whichever is later*:

- Implementation of program-based funding on July 1, 1991 (EC 84750); and

- Implementation of provisions regarding tenure reforms (EC 87602-87615), except degree requirements for vocational faculty not operative until January 1, 1994.

Clearly, most of the reforms in Phase I--which has now been funded by the Legislature--involve local boards, administration, and faculty groups cooperating appropriately in the development and implementation of employment policies and procedures.

III

## TOWARD A DEFINITION OF SHARED GOVERNANCE

There are many definitions of shared governance circulating in the field. At one end of the continuum are formalized structures of process and procedure; at the other end are largely informal and simple means for getting people involved in decisions. Leadership styles are often the key, but district history--particularly with collective bargaining--seems to play a major role in determining to what extent shared governance is formal or informal, and to what extent it can succeed.

Shared governance, simply stated, is shared involvement in the decision-making process in a climate of mutual trust. It means involving those affected by the decision in the decision-making process, from faculty and administrators to classified staff and students. It does not necessarily imply total agreement by all participants with majority rule. The ultimate responsibility for decisions rests with the board of trustees in all areas, since they are the elected representatives of the citizenry.

AB 1725 sets forth specific areas in which the legislators felt faculty, staff and students should be more involved with the decision-making processes of the institution. In general, these are areas in which faculty have long been involved, for example, faculty hiring and evaluation, and curriculum development.

Defined broadly, negotiation through collective bargaining might be considered a form of "shared governance." However, this is not what is intended by the phrase "shared governance" in AB 1725. In a collective bargaining model, each side develops its position and then meets to negotiate the compromise most favorable to its pre-determined position. This approach tends to be rather confrontational. The shared governance model envisioned in AB 1725 is based on cooperation, trust, and shared values rather than on confrontation; the process is designed to consider openly and creatively various options rather than to defend alternatives. In shared governance, the goal is to reach solutions that are made better through the expertise of the participants and made more acceptable through the shared process. In this model, shared governance is not dividing a finite pie among competing constituencies, but rather expanding options and opportunities among individuals who by profession or public service share in a common goal of providing quality education.

In order for shared governance to work, there must be trust. This is the critical component in the shared governance process. But trust can be in short supply in districts which have developed a "we/they" mentality, or the "management/labor" approach. Such a district history will increase the difficulty of the already demanding task of implementing AB 1725 unless means can be found to reestablish mutual trust.

A recent statewide Academic Senate meeting offered some "Notes on Ideas to Develop Trust":

- Be open.
- Don't underestimate others' intelligence.
- Respect others' ideas and opinions.
- Don't break confidentiality.

- Don't ask for input if you won't use it.
- Don't focus on the few people who make the problems.
- Don't generalize from those few either.
- Beware of stereotyping.
- Don't assess blame.
- Beware of the issues: turf, territory, isolation.
- Don't make assumptions.
- Urge collection of information at an early stage.
- Don't play games.
- Don't hoard information.
- Interact; gain familiarity.
- Don't get defensive.
- Be consistent, honest, fair.
- Make decisions in the interest of the students.

If mutual trust is a key component of the definition of shared governance, then appropriate staff development--for everyone involved in the shared governance process--is crucial for maintaining the mutual trust environment. Training staff in conflict resolution and positive communication skills can pay ample dividends. If people understand the process and their role in it, they can focus on the task at hand rather than having to stumble along hoping someone will let them know what's going on. Seminars, in-district workshops, even outside consultants may all be useful in developing a team that can spend more time on task and less on process.

## IV

## THE SHARED GOVERNANCE PROVISIONS

*The Specific Provisions*

The shared governance provisions of AB 1725 actually cover shared governance at two levels: (1) statewide shared governance between the Board of Governors and the local district boards, and (2) local governance between a local board (with its administration) and the academic senate. In certain areas where collective bargaining prevails, the local faculty union may have certain roles in shared governance.

The specific governance provisions of AB 1725 are as follows:

(1) Changes BOG membership so that of the 13 appointed by the Governor, 2 shall be current or former local board members; 2 tenured faculty members.

(2) Delineates BOG responsibilities.

(3) Delineates local board responsibilities.

(4) Requires BOG to develop policies and guidelines regarding Academic Senate and role of students in governance.

(5) Requires BOG to consult with local districts as part of its own regulatory procedures (now that the BOG is out from under Office of Administrative Law procedures).

(6) Requires BOG to establish prescribed minimum qualifications to replace credentials; requires local districts to establish faculty service areas and local competency standards.

(7) Authorizes local boards to establish processes for hiring those in formerly credentialed categories who don't meet minimum qualifications (equivalency); process to be jointly developed by academic senate and local board, then approved by local board. Existing process remains in place until the joint agreement is reached and approved.

(8) Requires that hiring criteria, policies, and procedures for new faculty members be developed and agreed upon jointly by academic senate and local board, then approved by local board. Existing process remains in effect until the joint agreement is reached and approved.

(9) Repeals administrative tenure provisions; requires process to approve non-tenured administrators as first-year, probationary faculty members to be developed and agreed upon jointly by academic senate and local board, then approved by local

board. The existing process remains in effect until the joint agreement is reached and approved.

(10) Requires that faculty's representative (union) consult with the district academic senate before engaging in collective bargaining on evaluation procedures (in those districts in which evaluation procedures are collectively bargained).

(11) Establishes bachelor's degree from an accredited institution as the minimum degree for tenure. Establishing equivalencies to this requirement pursuant to a process developed and agreed upon jointly by academic senate and local board, then approved by local board. The existing process remains in effect until the joint agreement is reached and approved.

The Board of Governors/local board provisions are thus numbers 1, 2, 3, 4, 5 and the first half of 6; the local board/academic senate provisions are the second part of 6 through 11. Provision 10, regarding consultation between the union and academic senate is something of a hybrid, since the local board is not specifically involved. In practice, however, some districts have a faculty union representative as a member of the district's shared governance committee(s).

These eleven specific governance provisions are clearly not all of the same level of import to a local board member or CEO in terms of having to do something new or different; all, however, will impact the local district. For example, while provisions 1, 2, 4, and 5 are directed at the state Board of Governors and its responsibilities, they could involve local district board members who might wish to become one of the two current or former local board members appointed to the statewide Board of Governors, and local CEOs who may become involved in the state/local consultation process.

Two things should result in state level policymaking that is somewhat more sensitive to the needs and desires of the local districts: first, having local trustee membership on the Board of Governors; and second, having a mandated consultation process between the BOG and local boards. From a statewide perspective, these state/local governance provisions of AB 1725 could well result in more positive changes in California's community college system over the next decade than have been seen in the past twenty years, as the diversity of the 71 districts is fashioned into a coherent system capable of meeting the challenges of the state's increasing demographic diversity. The involvement of local CEOs and board members in the statewide consultation process will be a critical element in the success of this aspect of the shared governance process.

*Implementation: Focus on the Tasks*

The most important approach for local board members and administrators to use in implementing the local shared governance provisions of AB 1725 (6 through 11, above), is to focus on the tasks to be done. Unfortunately, in some districts the vision is more parochial and the focus is more the politics of power. This creates animosity and decreases the chances for true shared governance through cooperative decision-making. Establishing hiring criteria, minimum qualifications, faculty service areas, local competency standards, and the policies and procedures to replace the old

credentialing system will be difficult, time-consuming, exhaustive (and probably exhausting) tasks that will require great patience and sensitivity on all sides to accomplish, particularly within the given timelines. Focusing on the particular job to be done will result in the board, the administration, and the faculty sharing in the task, and will move the process along more quickly than will endless debates over process and procedures.

In those districts where shared governance seems to work best, the focus is usually on the tasks at hand, and on the various alternative ways of accomplishing the desired result. Borrowing from the best management theories, those districts make people and tasks the focus, finding ways to combine the talents of the first to accomplish the latter. By examining the job to be done, disassembling it into its critical components and then determining the specific tasks to be accomplished, all people involved can usually see where their talents may best be used for the task at hand. Where shared governance is most successful, all parties define tasks as opportunities to improve the college and they work to take advantage of these opportunities.

## V

## STATE AND LOCAL BOARD RESPONSIBILITIES

*Responsibility and Authority*

Perhaps the most important aspect of AB 1725 regarding shared governance is that the Board of Governors and the local boards still have the primary responsibility and authority for the statewide system and the local colleges, respectively. This has not changed. AB 1725 mainly restates the previous laws regarding the Board of Governors and local board responsibilities, and their ultimate accountability to the citizens of the state (through the Legislature) and to their local constituents (through the local electoral process).

As described by the state Chancellor's Office legal counsel, "Under Section 70901 of the Education Code, the primary role of the Board of Governors is to provide leadership and direction to the colleges, with the work of the Board, at all times, directed to maintaining maximum local authority and control in the administration of the colleges".[4] Local board members and CEOs must understand that they have continued responsibility to set policy for and administer the community colleges, as specified in the delineation of local boards' responsibilities section of AB 1725. While increased roles for the statewide and local academic senates are clearly indicated in the bill, how to involve the senates in local decision-making is left up to the local boards (and their CEOs), as is the final accountability to the state Legislature and the local community.

The most difficult and time-consuming of AB 1725's shared governance provisions will be those involving personnel. These provisions (6, 7, 8, 9, and 11 above) of AB 1725 all require local districts to involve their local faculty senates in determining the processes and procedures to be used, with the processes "agreed upon jointly by the academic senate and local board" and then approved by the local board. If no agreement can be reached, however, the existing process (usually as of January 1989) remains in place until the joint agreement is reached and approved. While AB 1725 establishes more involvement for the faculty senates in the areas of hiring, evaluating, and tenuring faculty, it leaves the particular procedures up to the local board and senate to determine. Final authority for approving the new process or procedures remains with the local board, as it must for state and local accountability purposes.

It is extremely important for local board members and CEOs to retain the authority necessary to carry out their responsibilities under AB 1725. For example, it is the board and CEO who will be held accountable for meeting the affirmative action portions of the law. The penalties for non-compliance will be placed on the local district and the local board will be held accountable. While faculty involvement in the hiring process is essential, local board members must retain the ultimate authority since it is they who are ultimately accountable.

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[4] Tom Nussbaum, "Principles on Responsibility and Control to Assist Implementation of the AB 1725 Shared Governance Mechanism," 12/04/89 draft, state Chancellor's Office, p.4.

*Range of Practices*

There is currently among the 71 districts a wide range of practices regarding faculty involvement in implementing the provisions of AB 1725. Many colleges already have shared governance to a considerable extent: curriculum committees are usually faculty/administrative committees, and faculty increasingly serve on such key committees as planning, budgeting, hiring, and staff development. It is common practice in faculty hiring that screening and interviewing committees contain a majority of faculty members, with the president or administrator selecting from a few finalists recommended by the faculty-majority committee. The expertise of faculty in both subject and pedagogy, and their professional responsibility to assist in hiring and evaluating their peers are obvious reasons for their involvement.

Greater buy-in to the decision-making process and improved trust between faculty and administration are also positive results of increased faculty involvement. Care must be taken, however, to ensure that mid-level or line managers are not left out of the process. Since it is often difficult to include all middle management in the shared governance committees, they may feel left out and uninformed. This can create confusion and frustration in those managers who will be most needed in the implementation phase. Ways must be designed to involve these managers in the shared governance process.

## VI

## INCREASED ROLE OF ACADEMIC SENATES

*Chancellor's Office Advice*

The current opinion of the statewide Chancellor's Office regarding strengthening of local academic senates' roles according to AB 1725 is contained in the "Principles" paper mentioned previously. This paper is designed to help both the Board of governors and local boards as they apply the principles of delegation and responsibility found in AB 1725. Guidance of this sort is necessary because with shared governance, where responsibility may be divided among several entities, accountability must be defined clearly.

In order to resolve this possible conflict between multiple entity control and final responsibility, the state Chancellor's Office suggests that rather than adopting statewide regulations requiring local boards to rely upon the advice and judgment of local senates, or prohibiting local boards from acting without the mutual agreement or consent of their local senates, empowerment of local senates initially should be the responsibility of local governing boards.[5]

The clear goal of AB 1725 is increased involvement of the academic senates, particularly in the faculty hiring and evaluation areas; the specific processes to be used are left up to the local boards to determine and implement. In essence, the statewide Board of Governors is giving local boards the "first opportunity" to strengthen their local senates. The means to do that may well vary from district to district, and this is perfectly appropriate. There is no one way to implement the shared governance provisions, nor does AB 1725 require any specific method or procedure. Predefined models, whether from statewide organizations or other districts, may not meet the specific needs of a particular district. Local boards and senates must fashion increased cooperation and shared decision-making based on each district's particular history and style.

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[5]"*Principals...*", p. 5.

## VII

## HELPFUL RESOURCES

The state Chancellor's Office has developed a number of analytical pieces to assist local districts in implementing the many different responsibilities in AB 1725. All of these documents have been sent to college and district CEOs; they can also be obtained directly from the state Chancellor's Office. The documents include the following:

- *AB 1725: A Comprehensive Analysis,* (January 1989).
- "AB 1725: Implementation Activities" (including an "Implementation Chart", March 16, 1989).
- "Principles on Responsibility and Control", (draft for purposes of discussion within consultation only, December 4, 1989).

Each of these pieces will be of considerable help to trustees and CEOs seeking clarification of specific aspects of AB 1725, particularly with respect to how the state Chancellor's Office is interpreting the bill's language.

In addition to these documents, the Statewide Academic Senate, ACCCA, and various other community college organizations are putting out analytical documents and holding workshops on particular aspects of AB 1725 (such as hiring and evaluation). While many of these workshops are designed primarily for faculty or line administrators who will have the responsibility of doing the actual work of implementation, CEOs and trustees may well benefit from observing or participating in these sessions to understand better the complexities of implementing AB 1725.

## VIII

## SUMMARY

- This is the time for each local board to shape the kind of shared governance model they want in their district.
- Board of Governors and the local boards still have the primary responsibility and authority: this has not changed.
- How to involve the senates in local decision-making is left up to the local boards (and their CEOs), as is the final accountability.
- In most of AB 1725's provisions, existing processes remain in place until the joint agreement is reached and approved by the local board.
- A clear goal of AB 1725 is increased involvement of the academic senates; specific processes to be used are left up to the local boards.
- There is no one way: local boards should be active in designing their own district's shared governance processes.
- There are advantages and disadvantages to shared governance and local districts should develop models that maximize the first and minimize the second.
- As *A New Partnership in Governance* states: build on the strengths; emphasize accountability for results.
- There can be much diversity in approaches to shared governance.
- Shared governance is a continuum, including a range of approaches from consultation to delegation.
- Shared governance is shared involvement in the process in a climate of mutual trust.
- Mutual trust is a key component; staff development is paramount.
- The best implementation approach: focus on the tasks.
- Find ways to combine the talents of the people to accomplish the tasks.
- Chancellor's Office and statewide organization documents and workshops can provide valuable help.

**YOSEMITE COMMUNITY COLLEGE DISTRICT**

**MEMORANDUM OF AGREEMENT**

**SIDELETTER - DISTRICT COUNCIL**

This Memorandum serves to memorialize an agreement between Yosemite Faculty Association and Yosemite Community College District. The parties agree:

For the duration of this contract, a District Council will be established consisting of the members of the Chancellor's Cabinet, 6 representatives of the faculty, 3 representatives of the classified staff, and 1 representative of the mid-level managers. The Council will be collaborative in its format and operation. The Council will be recognized as the major decision-making body responsible for making recommendations to the Chancellor regarding the comprehensive planning process, the development of the budget, and other issues related to these tasks. The Council will develop a detailed set of guidelines for its own operation specifying the criteria for membership participation, term, and compensation, the frequency of meetings, the procedures for agendas and recommendations, and the methods of evaluating the process.

The District Council will create committees, as necessary, in order to accomplish its objectives. These will include, but are not necessarily limited to, a Long-Range Planning Committee, an AB 1725 Implementation Task Force, and an Institutional Climate Task Force. The membership, charge, and timeline for these and any other committees created by the Council will be identified by the District Council.

In addition, two college committees, one for Columbia College and one for Modesto Junior College, will be created which will work with the District Council on the issues of planning a budget development at the college level. In its first meetings the District Council will consider for discussion the working draft previously prepared and reviewed during the negotiations process. It is understood that while the Council may change some of the items, it will honor the spirit of that draft. It is further understood that additional details will be worked out by the District Council. (See adopted Statement of Principles for final version.)

The District Council will be responsible for formative and summative evaluations of its processes. Continuance of the Council past the contract date will be dependent upon mutual agreement of all parties involved.

The District Council will allocate $50,000 from 1989-90 Program Improvement Funds for staff stipends for implementation of AB 1725.

## YOSEMITE COMMUNITY COLLEGE DISTRICT
## DISTRICT COUNCIL

***Statement of Principles***

A District Council will be established which will be implemented consistent with the guidelines that follow.

The purpose of this Council is to make recommendations to the Chancellor regarding the existence of needs, the establishment of priorities, and the allocation of resources on a broad, district-wide basis. It is intended that the Council will not get involved with the daily administration of the two colleges or central services. Neither will the Council's processes replace the collective bargaining process. The Council will operate on a consensus-building basis as described by the Chancellor. The Council will adopt a set of policies and procedures to be followed by Council members. The Council is further charged to continually evaluate itself, its processes, and its products, and may choose to modify its procedures when appropriate.

Any member may submit agenda items to the Council. This should be done in writing at least one week prior to a scheduled meeting. That same member will be responsible for preparing or requesting appropriate background information which would be distributed to members ahead of tiume,. Unless an emergency exists, discussion would be delayed until all members have the same background information and have had adequate time to review that. The Council upon review, may determine that it should be referred elsewhere, such as to a college committee, an Employer-Employee Relations Committee, or other appropriate body or person, or may decide to address and resolve the item within the Council.

It is expected that the Chancellor will chair this Council and will carry the Council's recommendations to the Board of Trustees. At the same time, it is acknowledged that the Chancellor retains the authority to make his own recommendation. Should that recommendation differ from the Council's, or even from a significant minority of Council members, the Chancellor will make that known to the Council and to the Board of Trustees.

Membership on the District Council will be comprised of:

The Chancellor's Cabinet (6)
6 Faculty Representatives
3 Classified Staff Representatives
1 Representative of Mid-Level Managers
1 Student

Employee organizations will be responsible for selecting their respective representatives. Employee organizations will ensure adequate representation of both colleges in their selection. The Council will develop and adopt a member position description which will include statements regarding commitment to the process, attendance requirements, and behavioral expectations. Frequency and timing of meetings would be set by the Council. Recognition of the time commitment required for this and related committees will be reflected in either reassigned time or a stipend provided to the staff member by either the YFA, the district, or some agreed-upon combination. Specific allocation of the available funds for this purpose will be determined by the Council.

The District Council recognizes and supports the continuance of numerous other committees in which faculty and staff are involved. It is assumed that these will continue as is. A task of the District Council will be to create other committees which will facilitate the accomplishment of the Council's objectives. The specific tasks, procedures, and membership for each of the committees created by the council will be determined by the District Council.

While other committees may be formed in the future, initially, district-wide committees working with the District Council would be:

A. Long-range Planning Committee.

B. AB 1725 Implementation Task Force.

C. Institutional Climate Task Force.

In general, the purpose of each of these is as follows:

A. The Long-Range Planning Committee will be responsible for gathering information about the internal and external environment and proposing a vision and set of goals for the Yosemite Community College District. Its work product would be presented to the Council and staff in the early fall at the beginning of the annual planning process.

B. The AB 1725 Implementation Task Force will address those personnel components of the legislation which must be in place by July, 1990. It also will make recommendations to the District Council regarding the need for activity after July, 1990.

C. The Institutional Climate Task Force will plan and administer the Institutional Climate Survey in the Spring of 1990 or the Fall of 1990 to measure the overall atmosphere or climate at each college. The results will be compiled by the Task Force and presented to the Council. The Council will make recommendations as to if and when the study should be repeated.

In addition, two college committees, the Columbia College Council and the Modesto Junior College Council, will be created which will work with the District Council on the issues of planning and budget development at the college level. These will be chaired by the respective college president and their primary purpose will be to develop their college plan and budget. Each employee organization will be represented on those committees. It is expected that membership on the College Councils and District Council will overlap somewhat. The college president, however, may add to the membership of the College Councils as he or she feels necessary. The presidents also may use these Councils for other purposes with the agreement of the membership. The college presidents will write a description of the proposed membership and procedures for their respective Councils.

The District Council will determine when and where the cooperative decision-making process would be facilitated by expanding the reciprocity on existing committees. This might include, but is not limited to, District Administrative Council, the YFA Representative Council, the Academic Senates, and CSEA Executive Council.

The major task of the District Council will be to participate actively in the comprehensive planning process. This year-long commitment would include developing and reviewing planning assumptions, reviewing the Atlas, receiving input from the Long-Range Planning Committee, advising on the planning process, reviewing the college plans, determining District projected revenues, prioritizing needs, and assisting in District budget decisions from Phase I to Phase V. Simultaneously, the College Councils will participate in planning and budget-building at the college level and will assist in the college decisions made at each phase of the budget development.

On-going evaluation of this entire endeavor will be another critical task of the District Council. The Council will identify both criteria and methods for determining the effectiveness of the Council, its accomplishments, and its effects on college campuses. This evaluation will extend to the committees created by the District Council.

**YOSEMITE COMMUNITY COLLEGE DISTRICT**

**DISTRICT COUNCIL**

Member Position Description

**General Purpose**

All members of the Council are selected by their respective organizations to represent their constituencies and work together to:

1. Create a positive and effective working body that makes recommendations to the Chancellor;
2. Resolve problems of the present while developing a vision for the future;
3. Foster a climate of trust and respect based on mutual understanding;
4. Assist the chairperson in ensuring that all members of the Council are able to express their opinions on all key issues;
5. Communicate accurately and regularly with the entire District staff.

**Desirable Qualities**

All members of the Council will demonstrate the following personal qualities:

1. Commitment to the purpose and process of the District Council;
2. Eagerness to participate;
3. A positive approach;
4. An institutional perspective;
5. Professional ethics.

**Responsibilities**

All members of the Council will be expected to:

1. Act as a professional;
2. Participate actively (including being punctual and attending regularly);
3. Prepare well for meetings and complete outside assignments in a timely manner;
4. Make a concerted effort to ensure that the District Council works effectively and efficiently;
5. Treat other Council members with civility, courtesy and respect;
6. Be open to all views on a subject before reaching a conclusion;
7. Foster a team or institutional view as opposed to an individual or constituent position;

8. Honor confidentiality where the Council has agreed it is appropriate;

9. Ensure accurate communication with the organization responsible for one's selection;

10. Advocate the Council externally to all staff.

2/13/90

# APPENDICES

## STATE POLICIES AND REGULATIONS

# Policy on Shared Governance in the California Community Colleges

## Introduction

The Board of Governors recognizes that one of the basic principles of academic governance in higher education is that authority derives not only from the powers vested in governing boards and their staffs by law, but also from the knowledge and experience possessed by the faculty and others. Because both sources of authority are vital to the development and implementation of sound educational policy, the Board of Governors wishes to encourage, to the greatest extent possible, and at both the local and State levels, the practice of shared governance within the California Community Colleges.

Shared governance recognizes and, indeed, is predicated upon the sincere commitment on the part of all participants to our students, our professions, and our institutions. Shared governance is made a reality not only through processes for jointly developing recommendations but also through the delegation of authority in appropriate areas. It is a complex process of consultation that demands from faculty, administrators, classified staff, and students a respect for divergent opinions, a sense of mutual trust, and a willingness to work together for the good of the instructional enterprise.

## Joint Development of Recommendations

Shared governance embraces the basic objective that all key parties of interest should participate in jointly developing recommendations for governing board action. At the district level, key parties of interest include administrators, faculty, staff and students. At the systemwide level, the Board of Governors has established and is evolving a formal Consultation Process that involves institutional representatives of districts as well as key organizations and interests in the joint development of policy recommendations.

In developing joint recommendations and practicing shared governance, all parties should recognize that consensus will not always be possible, even when they exert their best efforts to achieve that end through reason and discourse. The challenge is to resolve conflict, or at least bring it to closure, while maintaining respect for the authority, expertise, and responsibilities of all involved.

Except as provided otherwise by statute or regulation, a governing board is ultimately responsible to act if consensus has not been reached or if the board cannot

accept a jointly developed recommendation. However, such action should be taken only after concerted efforts to resolve the matter through established, shared governance mechanisms.

## Delegation of Authority

Governing boards can implement shared governance not only by establishing processes for jointly developing recommendations, but also by delegating authority to appropriate individuals or bodies. By delegating to others the authority to act on its behalf, the governing board demonstrates a commitment to defer to the knowledge and experience of various groups and individuals within the collegiate community. And, indeed, implementing the new governance structure will, over time, require the Board of Governors and local boards to adopt numerous additional delegations of authority and assignments of responsibility. The principles that follow are intended to guide both the Board of Governors and local boards in taking these actions.

1. *Both the Board of Governors and local boards should proceed in an open, deliberate, and collegial manner as they develop and adopt policies that fix responsibilities and delegate authority.*

   Shared governance provides for all interested constituencies to participate in ways appropriate to their knowledge and responsibility. Instead of acting unilaterally to fix responsibility, a governing board should proceed in such a manner as to consider divergent opinions, engender a sense of mutual respect and trust, and evidence of a willingness to work together for the good of the enterprise.

2. *Ideally, the body that is assigned by statute or regulation with legal responsibility for a particular function should control the nature and extent of any delegation of authority or apportioning of responsibilities regarding that function.*

   As long as a body that is legally responsible for a function retains the power to make, modify, or revoke a delegation of its authority regarding that function, the body has the means to control the performance of the particular function. On the other hand, if the delegation of authority is fixed by some external entity, the body with legal responsibility is without the means of controlling the exercise of the particular function through its own delegation of authority and revisions thereof.

3. *Whenever the Board of Governors or a district governing board assigns a responsibility to a person or a body, that person or body must be provided (or be found to possess) the means to carry out or exercise control over the responsibility. Otherwise, it is not reasonable to hold the person or body fully accountable for performance of the responsibility.*

If a person or body is given a clear statement of responsibility, a clear grant of authority, the resources necessary, and adequate time, it is entirely reasonable to hold that person or body fully accountable for the performance of the responsibility. Conversely, if a person or body is only given a piece of a responsibility, or if there are inadequate resources or time to perform, it is not reasonable to hold that person or body fully accountable.

4. *Whenever a governing body divides a particular responsibility among several persons or bodies, each person or body can be held accountable only for that piece of the responsibility over which it has authority and control. The governing body that divides the responsibility thereby retains the task of monitoring the performance of each person or body, as well as the interrelationships of each person or body.*

   Care should be taken when a particular responsibility is divided among several persons or bodies. None of the persons or bodies with a piece of the responsibility can perform the whole responsibility; nor can any such person or body constrain the others to perform. The body that divides the responsibility is left with the task of managing the interrelationships of the various parties and continually supervising to assure that each participant properly performs its piece of the responsibility.

5. *The unique governance structure of the California Community Colleges requires the Board of Governors to exercise restraint whenever it assigns responsibilities to districts, or bodies, or persons within districts. Under Section 70901 of the Education Code, the primary role of the Board of Governors is to provide leadership and direction to the colleges, with the work of the Board, at all times, directed to maintaining maximum local authority and control in the administration of the colleges.*

   The law provides the Board of Governors with broad powers of regulation, oversight, and supervision, but these powers are "subject to" the Board's primary role. Read literally, the Board should not resort to its general power of regulation and supervision as a means of providing leadership and direction unless other means of providing that leadership and direction have not been successful, or can be shown to be unworkable. Further, even in the instance of a specific requirement to regulate, the Board should, at all times, exercise that authority in such a way as to preserve maximum local authority and control.

   While the principles described above are addressed to the Board of Governors and local governing boards, they can be applied whenever delegations of authority affecting the Board of Governors or districts are being developed. In particular, in reviewing or proposing legislation, the Board of Governors will apply these principles and seek their consistent application, recognizing, of course, that the Legislature will make the final judgment regarding its

delegations of authority and responsibility to the Board of Governors, districts, or other bodies and persons.

## Conclusion

The particular processes for jointly developing recommendations and the specific policies that delegate authority and responsibility will appropriately vary, not only at the state level, but also from district-to-district and college-to-college. Indeed, structures of collegiality and shared governance tend to evolve as natural expressions of mutual trust, respect, and understanding. It is both the desire and intent of the Board of Governors to encourage and ensure this evolution within its own responsibility and to provide leadership and direction to this newly formed system of higher education. To that end, the Board commits itself, as well as challenges district governing boards, to fully accept the responsibility, and the necessity, to establish and foster new and vital traditions and practices of shared governance within the California Community Colleges.

# Revisions to Existing Title 5 Regulations on Academic Senates

## Subchapter 2. Academic Senates

1. Amend Section 53200 as follows:

**53200. Definitions.**

For the purpose of this subchapter:

~~(a) "Faculty" means those certificated persons who teach full time in a Community College or other full-time certificated persons who do not perform any services for the college that require an administrative or supervisory credential.~~

(a) "Faculty" means those employees of a community college district who are employed in positions that are not designated as supervisory or management for the purposes of Article 5 (commencing with Section 3540) of Chapter 10.7 of Division 4 of Title 1 of the Government Code, and for which minimum qualifications for hire are specified by the Board of Governors.

(b) "Academic senate" ~~and~~, "faculty council", and "faculty senate" means an organization formed in accordance with the provisions of this subchapter whose primary function is, as the representative of the faculty, to make recommendations to the administration of a college and to the governing board of a district with respect to academic and professional matters. For purposes of this subchapter, reference to the term "academic senate" shall also constitute reference to "faculty council" or "faculty senate."

(c) "Academic and professional matters" means the following policy development and implementation matters:

(1) Curriculum, including establishing prerequisites and placing courses within disciplines

(2) Degree and certificate requirements

(3) Grading policies

(4) Educational program development

(5) Standards or policies regarding student preparation and success

(6) District and college governance structures, as related to faculty roles

(7) Faculty roles and involvement in accreditation processes, including self study and annual reports

(8) Policies for faculty professional development activities

(9) Processes for program review

(10) Processes for institutional planning and budget development, and

(11) Other academic and professional matters as mutually agreed upon between the governing board and the academic senate.

(d) "Consult collegially" means that the district governing board shall develop policies on academic and professional matters through either or both of the following methods, according to its own discretion:

(1) Relying primarily upon the advice and judgment of the academic senate; or

(2) That the district governing board, or such representatives as it may designate, and the representatives of the academic senate shall have the obligation to reach mutual agreement by written resolution, regulation, or policy of the governing board effectuating such recommendations.

NOTE: Authority cited: Sections 66700 and 70901, ~~71020, 71062, and 71079,~~ Education Code. Reference: Sections ~~71079 and 72292,~~ 70901 and 70902, Education Code.

2. Amend Section 53201 as follows:

**53201. Academic Senate or Faculty Council.**

In order that the faculty may have a formal and effective procedure for participating in the formation and implementation of district policies on academic and professional matters, an academic senate ~~or faculty council~~ may be established at the college and/or district level.

NOTE: Authority cited: Sections 66700, ~~71020, 71062 and 71079,~~ and 70901, Education Code. Reference: Sections ~~71079 and 72292,~~ 70901 and 70902, Education Code.

3. Amend Section 53202 as follows:

**53202. Formation; Procedures; Membership.**

The following procedure shall be used to establish an academic senate ~~or faculty council~~:

(a) The full-time faculty of a community college shall vote by secret ballot to form an academic senate ~~or faculty council~~.

(b) In multi-college districts, the full-time faculty of the district colleges may vote on whether or not to form a district academic senate. Such vote shall be by secret ballot.

(c) The governing board of a district shall recognize the academic senate ~~or faculty council~~ and authorize the faculty to:

(1) Fix and amend by vote of the full-time faculty the composition, structure, and procedures of the academic senate ~~or faculty council~~.

(2) Provide for the selection, in accordance with accepted democratic election procedures, the members of the academic senate ~~or faculty council~~.

(d) The full-time faculty may provide for the membership and participation of part-time faculty members in the academic senate ~~or faculty council~~.

(e) In the absence of any full-time faculty members in a community college, the part-time faculty of such community college may form an academic senate ~~or faculty council, with the same functions as stated in subsection (b) of Section 53200 and Section 53201.~~

NOTE: Authority cited: Sections 66700, ~~71020, 71062, and 71079,~~ and 70901, Education Code. Reference: Sections ~~71079,~~ 70901 and 70902, Education Code.

4. Repeal Section 53203.

~~**53203. Powers.**~~

~~After consultation with the administration of its community college, the academic senate or faculty council may present its written views and recommendations to the governing board. The governing board shall consider and respond to such views and recommendations.~~

~~NOTE: Authority cited: Sections 71020, 71062, 71079, Education Code. Reference: Section 71079, Education Code.~~

5. Repeal Section 53204.

~~**53204. Meet and Confer.**~~

~~Upon request of the academic senate or faculty council, and subject to Chapter 9 (commencing with Section 54950) of Part 1, Division 2, Title 5 of the Government Code relating to public meetings when applicable, the governing board or such board members or administrative officers as it may designate shall meet and confer with representatives of the academic senate or faculty council with respect to recommendations made or proposed to be made by the senate or council. The designation of board members or administrative officers as provided herein shall not preclude the representatives of an academic senate or a faculty council from meeting with, or appearing before, the governing board with respect to the views, recommendations, or proposals of the senate or council at a regular or special meeting of the board.~~

~~NOTE: Authority cited: Sections 66700, 71020, 71079, Education Code. Reference: Sections 71079 and 72292, Education Code.~~

6. Repeal Section 53205.

~~53205. Duties Assigned by Administration and Governing Board.~~

~~An academic senate or faculty council may assume such responsibilities and perform such functions as may be requested of it by the administration of its community or the governing board of its district maintaining its community college.~~

~~NOTE: Authority cited: Sections 66700, 71020, 71062, and 71079, Education Code. Reference: Sections 71079 and 72292, Education Code.~~

7. Add Section 53203.

**53203. Powers.**

(a) The governing board of a community college district shall adopt policies for the appropriate delegation of authority and responsibility to its college and/or district academic senate. Among other matters, said policies, at a minimum, shall provide that the governing board or its designees will consult collegially with the academic senate when adopting policies and procedures on academic and professional matters. This requirement to consult collegially shall not limit other rights and responsibilities of the academic senate which are specifically provided in statute or other regulations contained in this part.

(b) In adopting the policies and procedures described in subsection (a), the governing board or its designees, shall consult collegially with representatives of the academic senate.

(c) While in the process of consulting collegially, the academic senate shall retain the right to meet with or appear before the governing board with respect to the views, recommendations, or proposals of the senate. In addition, after consultation with the administration of the college and/or district, the academic senate may present its views and recommendations to the governing board.

(d) The governing board of a district shall adopt procedures for responding to recommendations of the academic senate that incorporate the following:

(1) In instances where the governing board elects to rely primarily upon the advice and judgment of the academic senate, the recommendations of the senate will normally be accepted, and only in exceptional circumstances and for compelling reasons will the recommendations not be accepted. If a recommendation is not accepted, the governing board or its designee, upon request of the academic senate, shall promptly communicate its reasons in writing to the academic senate.

(2) In instances where the governing board elects to provide for mutual agreement with the academic senate, and agreement has not been reached, existing policy shall remain in effect unless continuing with such policy exposes the district to legal liability or causes substantial fiscal hardship. In cases where there is no existing policy, or in cases where the exposure to legal liability or substantial fiscal hardship requires existing policy to be changed,



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the governing board may act, after a good faith effort to reach agreement, only for compelling legal, fiscal, or organizational reasons.

(e) An academic senate may assume such responsibilities and perform such functions as may be delegated to it by the governing board of the district pursuant to subsection (a) of this section.

(f) The appointment of faculty members to serve on college or district committees, task forces, or other groups dealing with academic and professional matters, shall be made, after consultation with the chief executive officer or his or her designee, by the academic senate. Notwithstanding this subsection, the collective bargaining representative may seek to appoint faculty members to committees, task forces, or other groups.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

8. Add Section 53204.

53204. Scope of Regulations.

Nothing in this subchapter shall be construed to impinge upon the due process rights of faculty, nor to detract from any negotiated agreements between collective bargaining representatives and district governing boards. It is the intent of the Board of Governors to respect agreements between academic senates and collective bargaining representatives as to how they will consult, collaborate, share or delegate among themselves the responsibilities that are or may be delegated to academic senates pursuant to these regulations.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

## Minimum Standards for Staff Participation in Governance

Section 51024 is added to Chapter 1 of Division 2 of Part VI of the California Code of Regulations, to read:

51024. Staff.

(a) The governing board of a community college district shall adopt policies and procedures that provide district and college staff the opportunity to participate effectively in district and college governance. At minimum, these policies and procedures shall include the following:

(1) Definitions or categories of non-faculty positions or groups of positions that compose the staff of the district and its college(s) that, for the purposes of this Section, the governing board officially recognizes.

(2) Participation structures and procedures for the staff positions defined or categorized.

(3) When policies and procedures that define or categorize staff groups, and that structure staff participation in the governance of the district and its college(s), are in the process of being adopted, the governing board or its designees, shall consult with the representatives of existing staff councils, committees, or other such structures. Where no groups or structures for participation exist that provide representation for particular groups of staff, the governing board or its designees, shall broadly inform all staff of the policies and procedures being developed, invite the participation of staff, and provide opportunities for staff to express their views.

(4) Staff shall be provided with opportunities to participate in formulating district and college policies, and in those processes for jointly developing recommendations for action by the governing board, that the governing board determines, in consultation with staff, are likely to have a significant impact on staff.

(5) Except in unforeseeable, emergency situations, the governing board shall not take action on matters significantly affecting staff until it has provided staff an opportunity to participate in the formulation of those matters through appropriate structures and procedures as determined by the governing board in accordance with the provisions of this Section.

(6) The policies and procedures of the governing board shall ensure that the recommendations and opinions of staff are given reasonable consideration.

(7) The selection of staff representatives to serve on college and district task forces, committees, or other governance groups shall be made by, or in consultation with, those councils, committees, or other staff groups that the governing board has officially recognized in its policies and procedures for staff participation.

(b) Nothing in this subchapter shall be construed to impinge upon the policies and procedures governing the participation rights of faculty and students pursuant to Sections 53200-53205, and Section 51025, respectively, of this Chapter. Nothing in

this subchapter shall be construed to impinge upon or detract from any negotiations or negotiated agreements between collective bargaining agents and district governing boards. It is the intent of the Board of Governors to respect agreements between staff and collective bargaining representatives as to how they will consult, collaborate, share or delegate among themselves the responsibilities that are or may be delegated to staff pursuant to these regulations.

(c) The governing board of a community college district shall comply substantially with the provisions of this Section.

NOTE: Authority cited: Sections 70901(b)(1)(E) and 70902(b)(7) of the Education Code. Reference: Sections 70901 and 70902 of the Education Code.



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# Revisions to Existing Title 5 Regulations
## Chapter 1. Minimum Standards

Add Section 51025.

51025. Students.

(a) The governing board of a community college district shall adopt policies and procedures that provide students the opportunity to participate effectively in district and college governance. Among other matters, said policies and procedures shall include the following:

(1) Students shall be provided an opportunity to participate in formulation and development of district and college policies and procedures that have or will have a significant effect on students. This right includes the opportunity to participate in processes for jointly developing recommendations to the governing board regarding such policies and procedures.

(2) Except in unforeseeable, emergency situations the governing board shall not take action on a matter having a significant effect on students until it has provided students with an opportunity to participate in the formulation of the policy or procedure or the joint development of recommendations regarding the action.

(3) Governing board procedures shall ensure that at the district and college levels, recommendations and positions developed by students are given every reasonable consideration.

(4) For the purpose of this section, the governing board shall recognize each associated student organization or its equivalent within the district as provided by Education Code Section 76060, as the representative body of the students to offer opinions and to make recommendations to the administration of a college and to the governing board of a district with regard to district and college policies and procedures that have or will have a significant effect on students. The selection of student representatives to serve on college or district committees, task forces, or other governance groups shall be made, after consultation with designated parties, by the appropriate officially recognized associated student organization(s) within the district.

(b) For the purposes of this section, district and college policies and procedures that have or will have a "significant effect on students" includes the following:

(1) Grading policies.
(2) Codes of student conduct.
(3) Academic disciplinary policies.
(4) Curriculum development.
(5) Courses or programs which should be initiated or discontinued.
(6) Processes for institutional planning and budget development.
(7) Standards and policies regarding student preparation and success.
(8) Student services planning and development.
(9) Student fees within the authority of the district to adopt.
(10) Any other district and college policy, procedure or related matter that the district governing board determines will have a significant effect on students.

(c) The governing board shall give reasonable consideration to recommendations and positions developed by students regarding district and college policies and procedures pertaining to the hiring and evaluation of faculty, administration, and staff.

(d) Nothing in this subchapter shall be construed to impinge upon the due process rights of faculty, nor to detract from any negotiations or negotiated agreements between collective bargaining agents and district governing boards. It is the intent of the Board of Governors to respect agreements between academic senates and collective bargaining agents as to how they will consult, collaborate, share or delegate among themselves the responsibilities that are or may be delegated to academic senates pursuant to the regulations on academic senates contained in Sections 53200-53205 of Title 5 of the California Code of Regulations.

(e) The governing board of a community college district shall comply substantially with policies and procedures adopted in accordance with this section.



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